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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,807	08/02/2001	Akihiko Nagata	Q65684	4297

7590 04/20/2005

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EXAMINER

BROCKETTI, JULIE K

ART UNIT PAPER NUMBER

3713

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**  
**Before the Filing of an Appeal Brief**

Application No.

09/919,807

Applicant(s)

NAGATA ET AL.

Examiner

Julie K Brockett

Art Unit

3713

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 04 April 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 2-25.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

  
Julie K Brockett  
Primary Examiner  
Art Unit: 3713

Continuation of 11. does NOT place the application in condition for allowance because: the Examiner is upholding the final rejection using Stamper 6,820,265. Applicant argues that Claim 2 is directed towards two separate structures, i.e. a game mastery support apparatus and a separate terminal apparatus, and that Stamper does not teach two separate devices. The Examiner disagrees and notes that Stamper does teach of two separate devices for example, in figure 1 of Stamper the control unit is the terminal apparatus and the data storage medium, 14 is the game mastery support apparatus which is clearly a separate structure. Applicant argues that the game master support apparatus includes a distribution device. Stamper does teach this limitation, for example, the Internet, or other transmission device can be used to get the data from the external data source (See Stamper col. 3 lines 35-56) also the processor in the terminal apparatus can also be considered to be the distribution device. One can still consider the devices of Stamper separate structures even though they use the same processor. There is nothing in Applicant's claims about two processors. Furthermore, the distribution device receives master status information that indicates a stage of the executable multi-state game to which a player has proceeded. For example, a flag is sent to the distribution device, i.e. processor of the game master support apparatus, to inform it of what part of the game the player has achieved. The Examiner agrees that the programs are executed by the same processor, however, based on a broad interpretation of Applicant's claims Applicant, has not clearly specified that this is not allowed. Stamper does teach of the use of a terminal apparatus having a multi-stage execution function and a master support apparatus having a distribution device that distributes master information. For example, a first game program is run on the processor and once a flag is set that a player has reached a certain stage in the game, the second game program is loaded into the processor to assist the player in mastering the game. Furthermore, the terminal apparatus does distribute information about a current state to which a player has proceeded in the terminal device to a distribution device, which advises a player how to master a game. For example, the trigger condition remains in memory and once a player inserts the second video game, they are advanced to the corresponding part of the game (See Stamper col. 8 lines 1-19). Applicant further argues that the mastery support apparatus provides master information back to the terminal on the basis of the level to which the game has proceeded in the separate terminal apparatus and that Stamper does not teach this. The Examiner disagrees and notes that the second game cartridge does provide information back to the terminal based on the level to which the game has proceeded, for example, if the trigger event is reaching the cave in the example provided, the second game cartridge relays the cave scene back to the terminal device. While the Examiner agrees that Stamper discloses a single processor, nothing in Applicant's claims clearly state that there are two processors and given the broad interpretation of Applicant's claims Stamper does read on them. .